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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,217	05/31/2001	Hanniel Schmidt	10191/1821	1693

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EXAMINER

MILLER, TAKISHA S

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/871,217

Applicant(s)

SCHMIDT, HANNIEL

Examiner

Takisha Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed January 31<sup>st</sup> 2003 have been fully considered but they are not persuasive.

a. On page 5, lines 19-21 of the January 31<sup>st</sup> 2003 response, applicant argues with respect to claim 1, that Schlichenmaier et al. does not disclose forming a measured signal for adjusting a brake pressure for controlling the brake system as a function of a measured quantity and its basic value. Applicant agrees that Schlichenmaier et al. *does* disclose forming a measured signal for adjusting a brake pressure for controlling the brake system but argues that it is not based on a measured signal formed as a function of a measured quantity and its basic value. This argument is not persuasive because Schlichenmaier et al. clearly teaches measuring at least one quantity of a brake system/pedal displacement, axle loads, vehicle deceleration, pressure, etc. and forming a signal for adjusting a brake pressure as a function of the measured value of the at least one quantity of the brake system (Col. 2, lines 64- Col 3, line 11).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlichenmaier et al. (5,717,134).

a. With respect to claims 1 and 9, Schlichenmaier et al. teaches a method and device for controlling a brake system, the device comprising a control unit (10) for detecting at least one measured quantity/operating variable and including a calibration arrangement (Col. 3, lines 49-50); the method comprising, assuming a measured value of at least one measured quantity/operating variable available on activation of the brake system as the basic value and forming a measured signal for controlling the brake system (Col. 2, line 64 – Col.3, line 11).

b. With respect to claim 2, Schlichenmaier et al. also teaches the at least one measured quantity/operating variable represents at least one of an extent of an operation of a brake pedal, a braking force on a wheel, a wheel braking force, and a brake circuit pressure (Col. 2, line 64 – Col.3, line 11 and Col. 5, lines 59-62).

c. With respect to claims 3,6,7 and 8, Schlichenmaier et al. also teaches the method of determining the basic value only when the at least one measured quantity/operating variable is smaller than a predetermined threshold/tolerance value; correcting the basic value during operation if the at least one measured quantity/operating variable is less than the basic value and determining a new basic value if a measured quantity/operating variable is greater than the basic value and less than a predetermined threshold/tolerance value (Col. 3, lines 53-66 and Col. 5, lines 3-38).

d. With respect to claims 4 and 5, Schlichenmaier et al. also teaches the method of determining basic values of additional measured quantities such as at least one of a braking force

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on wheel brakes, a wheel brake force and a brake circuit pressure (Col. 2, line 64 – Col.3, line 11).

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brearley et al. (U.S. Patent No. 4,920,493) teaches a method of determining and controlling the extent of application of the vehicle brakes in accordance with given driver braking demands, including a plurality of transducers which provide input signals to an electronic control computer corresponding to a plurality of variable operating parameters, such as driver braking demand, axle load, applied braking pressure and vehicle decelerations.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Takisha Miller whose telephone number is (703) 305-4969. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (703) 305-4816. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

TM  
April 2, 2003

  
EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800